

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CALVIN E. BRACKBILL,	:	CIVIL ACTION NO. 1:17-CV-1046
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
STEPHEN J. RUFF, GREGORY A.	:	
HILL, IAN L. DAWSON, TYRON E.	:	
MEIK, and CITY OF HARRISBURG,	:	
PA,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 22nd day of May, 2018, upon consideration of defendants' motion to dismiss (Doc. 18) pursuant to Federal Rule of Civil Procedure 12(b)(6), and the parties' respective briefs in support of and opposition to said motion (Docs. 19-21), and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. Defendants' motion to dismiss (Doc. 18) is GRANTED in part and DENIED in part as follows.
 - a. Count II, Count VI, and Count X are DISMISSED without prejudice.
 - b. Count III is DISMISSED as to defendant Ian L. Dawson without prejudice.
 - c. Defendants' motion (Doc. 18) to dismiss is denied in all other respects.

2. Plaintiff is granted leave to amend his pleading within twenty (20) days of the date of this order, consistent with the above paragraphs and the accompanying memorandum. In the absence of a timely-filed amended complaint, the above-captioned action shall proceed on the remaining claims.

/S/ Christopher C. Conner
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania